

## **REMARKS**

Applicants respectfully request reconsideration of this application as amended. Claims 1, 3, 5-8, 10-14, 27 and 31-35 have been amended. Claims 4, 9, 15-26 and 28-30 have been previously cancelled. Therefore, claims 1-3, 5-8, 10-14, 27 and 31-35 now are presented for examination.

### **35 U.S.C. § 112 Rejection**

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1-3 and 5-7 have been amended to obviate this rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

### **35 U.S.C. § 101 Rejection**

Claims 12-14 stand rejected under 35 U.S.C. §101, because the claimed invention is directed to non-statutory subject matter.

Applicants submit that claims 12-14 are directed to statutory subject matter. Claims 12-14 pertain to “a machine-readable medium”, which in one embodiment, applicant defines as “read only memory (ROM), random access memory (RAM), magnetic disk storage media, optical storage media, flash memory devices, electrical, optical, acoustical or other form of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.).” (Specification, page 5, lines 6-10). The Office Action, mailed September 19, 2005 asserts carrier waves, infrared signals, digital signals, etc. are an intangible embodiment, and thus non-statutory subject matter. (Office Action, mailed September 19, 2005, page 2, paragraph 7).

However, in recent conversations with various Examiners at the USPTO, the Examiners have indicated that the USPTO has changed its position on carrier waves, infrared signals, and digital signals as an intangible embodiments, and are now considering carrier waves, infrared signals, and digital signals to be statutory subject matter. These Examiners have confirmed this policy change with the QA specialists at the USPTO. Furthermore, the MPEP §2106(IV)(B)(1)(c) states that “a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature.” As a result, Applicants respectfully submit that the “machine-readable medium” of claims 12-14 are statutory subject-matter directed to a practical application. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 12-14.

### **35 U.S.C. § 103 Rejection**

Claims 1-3, 5-8, 10-14, 27 and 31-35 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over Panas et al., U. S. Patent No. 6,473,857 (“Panas”) and Croll U.S. Patent No. 5,367,688 (“Croll”).

Applicants respectfully submit that Panas discloses “a method for centralized and *managed loading of boot images* into one or more processors that are part of a file server for a mass storage system.” (Abstract; emphasis provided).

Croll discloses “[a] distributed digital data processing system including a host and at least one node interconnected by a communications link. *In response to a boot command, the node requests its boot image from the host over the communications link. The host then provides pointers to portions of the boot image to the node.* The node then

retrieves the portions of the boot image identified by the pointers.” (Abstract; emphasis provided).

In contrast, claim 1, in pertinent part, recites “booting the autonomous subsystem independent of the main system.” (emphasis provided). Applicants submit that neither Panas nor Croll teach or reasonably suggest such a feature. Panas discloses *managing loading of boot images* (Abstract); however, Panas fails to teach or reasonably suggest “booting the autonomous subsystem independent of the main system” as recited by claim 1. (emphasis provided). Croll discloses *a host providing pointers to portions of a boot image to a node* (Abstract); however, Croll fails to teach or reasonably suggest “booting the autonomous subsystem independent of the main system” as recited by claim 1. (emphasis provided). Applicants submit that neither Panas nor Croll, individually or when combined in any combination, teach or reasonably suggest such a feature. Accordingly, Applicants respectfully request that the rejection of claim 1 and its dependent claims be withdrawn.

Claims 8, 12, 27 and 33 include limitations similar to those of claim 1. Accordingly, Applicants respectfully request that the rejection of claims 8, 12, 27 and 33 and their dependent claims be withdrawn.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

### **Charge our Deposit Account**

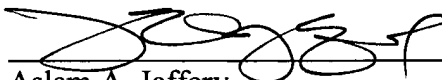
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date:

12-14-05



Aslam A. Jaffery  
Reg. No. 51,841

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980